

Order

Michigan Supreme Court
Lansing, Michigan

March 21, 2014

Robert P. Young, Jr.,
Chief Justice

147335(52)

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

HAROLD HUNTER, JR.,
Plaintiff-Appellant,

v

SC: 147335
COA: 306018
Genesee CC: 10-094081-NI

DAVID SISCO and AUTO CLUB INSURANCE
ASSOCIATION,
Defendants,

and

CITY OF FLINT TRANSPORTATION
DEPARTMENT,
Defendant-Appellee.

On order of the Court, the motion for reconsideration of this Court's November 20, 2013 order is considered, and it is GRANTED. We VACATE that part of our November 20, 2013 order that denied the plaintiff's application for leave to appeal. On reconsideration, the application for leave to appeal the April 2, 2013 judgment of the Court of Appeals is considered, and it is GRANTED, limited to whether damages for pain and suffering and/or emotional distress may qualify as a "bodily injury" that permits a plaintiff to avoid the application of governmental immunity from tort liability under the motor vehicle exception to governmental immunity, MCL 691.1405 (see *Wesche v Mecosta Co Rd Comm*, 480 Mich 75 (2008)).

We direct the Clerk to schedule the oral argument in this case for the same future session of this Court when it will hear oral argument in *Hannay v Dept of Transportation* (Docket No. 146763).

The Michigan Association for Justice, the Michigan Defense Trial Counsel, Inc., and the Insurance Institute of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issue presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 21, 2014

Clerk